

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4, 6-12 and 14-18 are pending in this application. Claims 1, 9, 17 and 18, which are independent, are hereby amended. No new matter is added by these amendments. Support for this amendment is provided throughout the Specification as originally filed and specifically on paragraphs [0037] of the published application. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-4, 6, 8-12, 14, 16, and 17 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Publication No. 2005/0028208 to Ellis, et al. (hereinafter, merely “Ellis”) in view of U.S. Patent No. 6,175,860 to Gaucher (hereinafter, merely “Gaucher”).

Claims 7 and 15 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Ellis in view of Gaucher and further in view of U.S. Patent No. 6,501,516 to Clapper (hereinafter, merely “Clapper”).

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...switching means for switching a wireless communication unit between communication using a public circuit based on a spread spectrum communication system and short-distance wireless communication based on the spread spectrum communication system; and  
for determining to display program information from a memory of the requesting electronic apparatus or to display a message indicating link establishment failed based on the switching means determining, as a function of:  
whether a request to link from one of the plurality of electronic apparatuses is from indoors or from outside;  
whether the link is unstable.” (Emphasis added)

Claim 1 generally relates to transmitting program guide information to a portable device. The apparatus determines if the portable device that is requesting to link is located indoors or outdoors. The transmission means also must determine if the link is stable or unstable. Using that information, the transmission means can determine that information stored in the memory of the portable device is displayed and can determine if a message indicating link establishment has failed is displayed.

As understood by Applicants, Ellis relates to interactive television program guide systems that provide remote access to program guide functionality.

As understood by Applicants, Gaucher relates to an automatic multi-rate wireless/wired computer network using a combination of wireless communications and an AC power network.

Applicants submit that neither of the cited references, taken alone or in combination, teaches or discloses the above discussed feature of claim 1. Specifically, neither Ellis nor Gaucher teaches or suggests that the transmission means determines whether a request

to link is from indoors or from outside, determines whether the link is unstable, and determines whether to display program information from a memory of a portable device or a message indicating link establishment failed as a function of the request to link and the determination of whether the link is unstable, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 9, 17 and 18 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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